

Article - Health - General

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§7-1005.

- (a) (1) In this section, “abuse” means:
 - (i) Any physical injury that is inflicted willfully or with gross recklessness;
 - (ii) Inhumane treatment; or
 - (iii) Any of the following kinds of sexual abuse:
 - 1. A sexual act, as defined in § 3-301 of the Criminal Law Article;
 - 2. Sexual contact, as defined in § 3-301 of the Criminal Law Article; or
 - 3. Vaginal intercourse, as defined in § 3-301 of the Criminal Law Article.
- (2) In this section, “abuse” does not include:
 - (i) The performance of:
 - 1. An accepted medical procedure that a physician orders;
 - 2. An accepted behavioral procedure that a licensed psychologist or psychiatrist, as appropriate, orders; or
 - (ii) An action taken by an employee that complies with applicable State and federal laws and applicable Department policies on the use of physical intervention.
- (b) (1) In addition to any other reporting requirement of law, a person who believes that an individual with developmental disability has been abused promptly shall report the alleged abuse to the executive officer or administrative head of the licensee.

(2) The executive officer or administrative head shall report the alleged abuse to an appropriate law–enforcement agency.

(3) A report to the executive officer or administrative head:

(i) May be oral or written; and
(ii) Shall contain as much information as the reporter is able to provide.

(c) (1) The law–enforcement agency shall:

(i) Investigate thoroughly each report of an alleged abuse; and
(ii) Attempt to ensure the protection of the alleged victim.

(2) The investigation shall include:

(i) A determination of the nature, extent, and cause of the abuse;
(ii) The identity of the alleged abuser or abusers; and
(iii) Any other pertinent fact or matter.

(d) As soon as possible, but no later than 10 working days after the completion of the investigation, the law–enforcement agency shall submit a written report of its findings to the State’s Attorney, the Deputy Secretary, the State–designated protection and advocacy agency, and the executive officer or administrative head of the licensee.

(e) The Administration shall maintain a central registry of abuse reports and their disposition and shall take appropriate remedial action.

(f) A person shall have the immunity from liability described under § 5–625 of the Courts and Judicial Proceedings Article for:

(1) Making a report under this section;
(2) Participating in an investigation arising out of a report under this section; or
(3) Participating in a judicial proceeding arising out of a report under this section.

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